

FLATHEAD COUNTY PLANNING AND ZONING OFFICE
DAVID CUSICK
ZONING MAP AMENDMENT REPORT (#FZC-15-09)
FEBRUARY 24, 2016

A report to the Flathead County Planning Board and Board of Commissioners regarding a request by Sands Surveying, Inc., on behalf of David Cusick for a zoning map amendment within the Evergreen Zoning District. The proposed amendment, if approved, would change the zoning of the subject property from 'SAG-10 Suburban Agricultural' to 'R-1 Suburban Residential.'

The Flathead County Planning Board will conduct a public hearing on the proposed zoning map amendment on March 9, 2016 at 6:00 P.M. in the 2nd Floor Conference Room of the Earl Bennett Building located at 1035 1st Ave West in Kalispell. A recommendation from the Planning Board will be forwarded to the County Commissioners for their consideration. In accordance with Montana law, the Commissioners will hold a public hearing on the proposed zoning map amendment.

Documents pertaining to the zoning map amendment are available for public inspection in the Flathead County Planning and Zoning Office located in the Earl Bennett Building at 1035 First Avenue West in Kalispell. Prior to the Commissioner's public hearing, documents will also be available for public inspection in the Flathead County Clerk and Records Office at 800 South Main Street in Kalispell.

I. APPLICATION REVIEW UPDATES

A. Planning Board

This space will contain an update regarding the Flathead County Planning Board review of the proposal.

B. Commission

This space will contain an update regarding the Flathead County Commissioners review of the proposal.

II. GENERAL INFORMATION

A. Application Personnel

i. Owner/Applicants

David Cusick
515 East Reserve Drive
Kalispell, MT 59901

ii. Technical Assistance

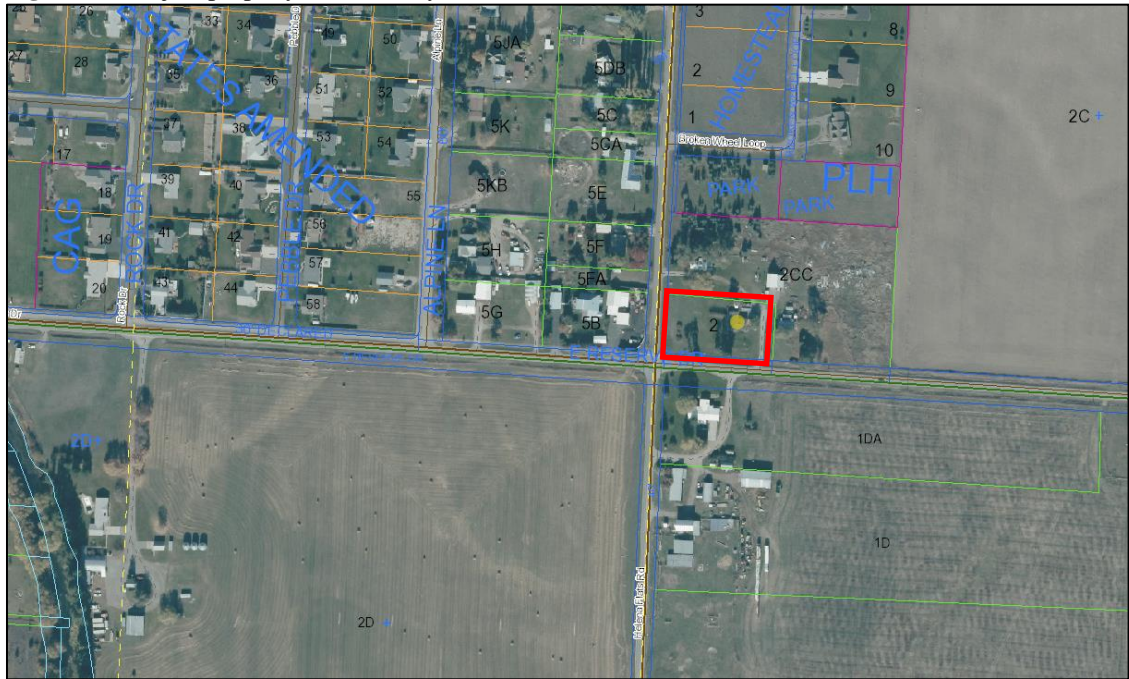
Sands Surveying, Inc.
2 Village Loop
Kalispell, MT 59901

B. Subject Property Location and Legal Description

The subject property is located at 515 East Reserve Drive in Evergreen, MT (see Figure 1 below). The property is approximately 5.152 acres in size and at the time of submittal was legally described as follows:

Tracts 1 and 2 of Certificate of Survey No. 19503, two tracts of land, situated, lying and being in the Southwest Quarter of Southeast Quarter of Section 27, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana.

Figure 1: Subject property outlined in yellow



C. Proposed Zoning Map Amendment

The subject property is located within the Evergreen Zoning District and is currently zoned ‘SAG-10 Suburban’ (see Figure 2 below). As depicted in Figure 3 below, the applicant has requested a zoning map amendment to zone the property ‘R-1 Suburban Residential.’ Per Section 3.07 of the Flathead County Zoning Regulations (FCZR), SAG-10 is defined as, ‘*A district to provide and preserve agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging separation of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development.*’

The R-1 designation is defined in Section 3.09 FCZR as, ‘*A district to provide estate-type development. These areas would normally be located in rural areas away from concentrated urban development, typically not served by water or sewer services, or in areas where it is desirable to permit only low-density development (e.g., extreme topography, areas adjacent to floodplains, airport runway alignment extensions).*’

Figure 2: Current zoning applicable to subject property (outlined in red)

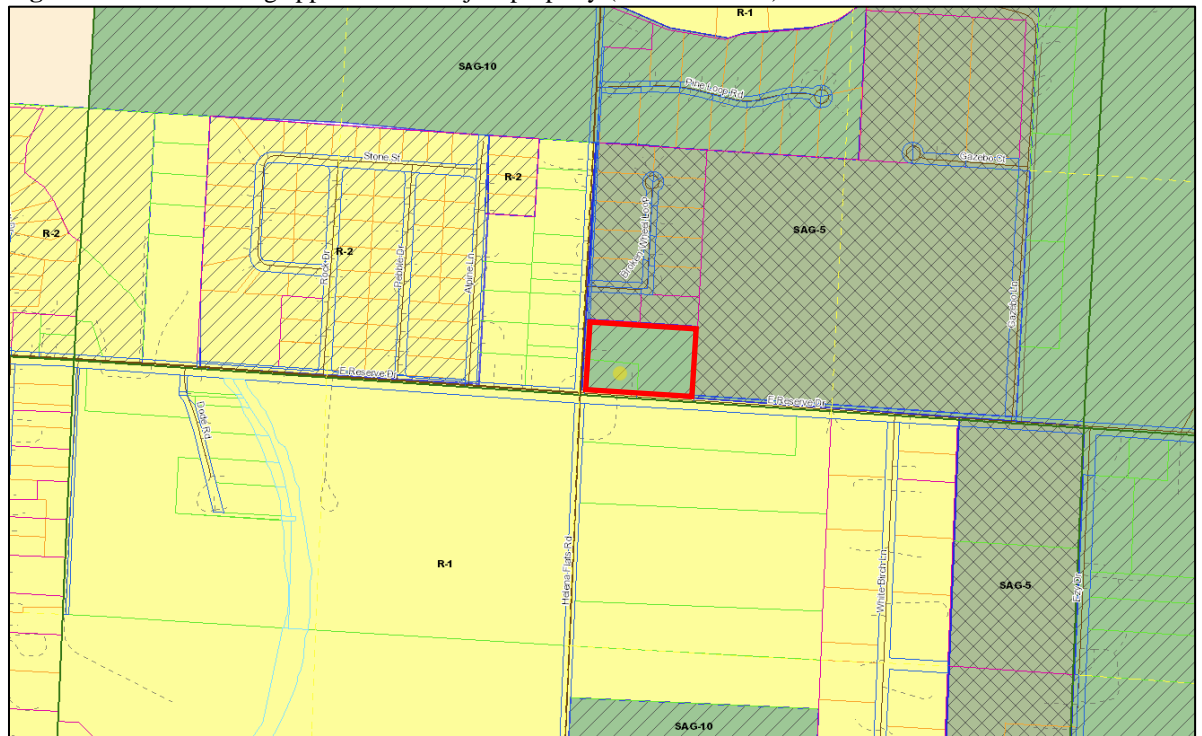
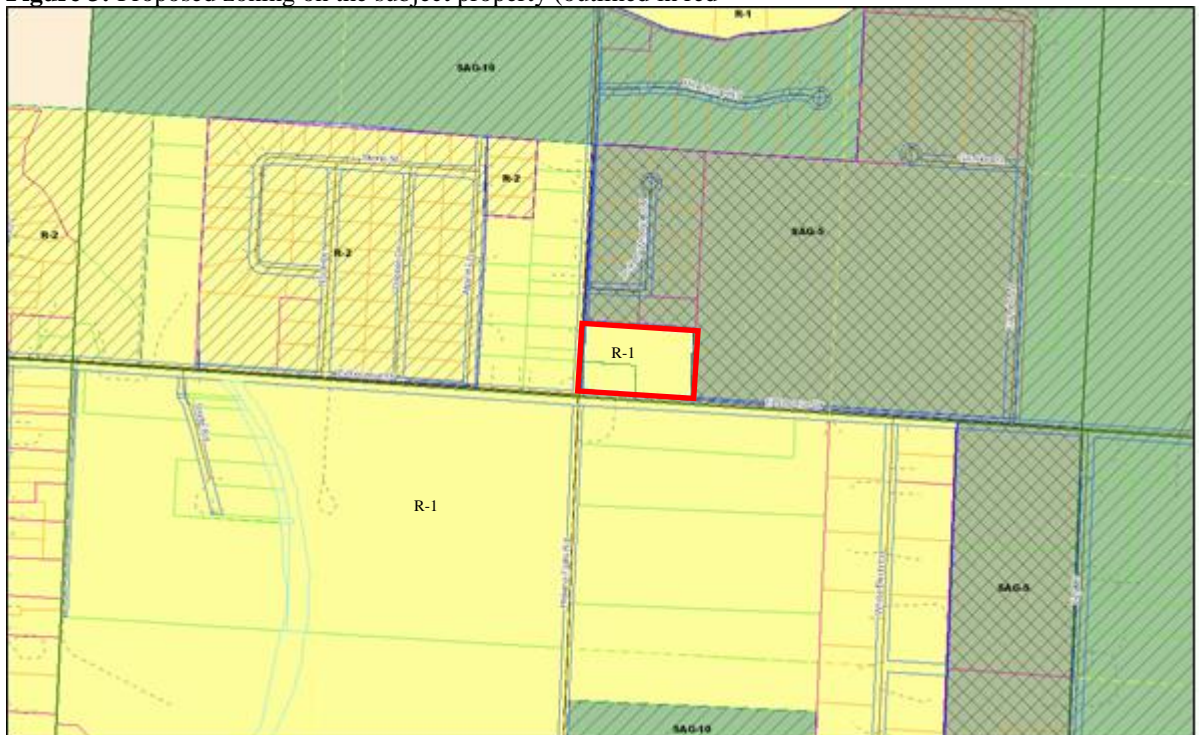


Figure 3: Proposed zoning on the subject property (outlined in red)



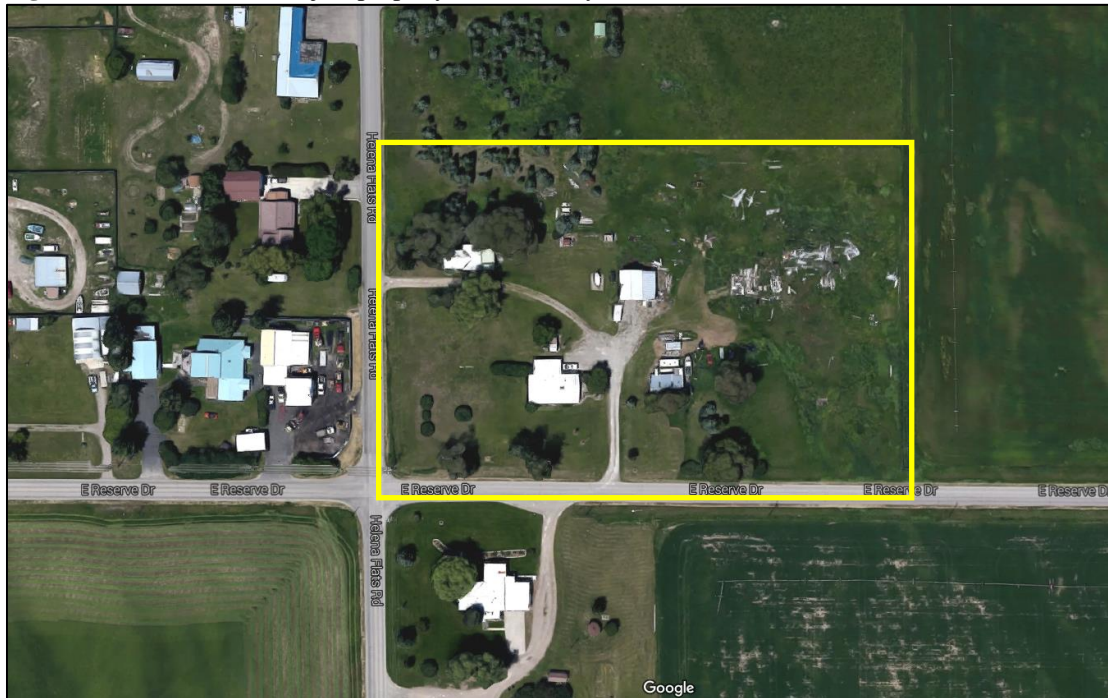
D. General Character of and Reason for Amendment

The property consists of two lots and is located on relatively flat land with a few groves of trees scattered around the property. Both of the properties contain dwellings and the larger of the two properties contains various accessory buildings.

The applicant states the reason for the proposed zone change is to divide the land to allow for two additional dwellings.

According to the application, “The two properties combined equal 5.152 acres and the applicant would like to split the property by family transfer for two family members. The current SAG-10 zoning would not allow any division of the property. The properties directly south and west have R-1 zoning and could split to one acre parcels and the property directly north was split into one to two acre tracts using the cluster provisions for the SAG-5 zoning classification. Therefore, the proposed zoning fits the character and densities of neighboring lands.”

Figure 4: Aerial view of subject property (outlined in yellow)



E. Adjacent Zoning and Character of the Overall Zoning District

The subject property is surrounded by R-1 to the south and west and SAG-5 to the north and east creating a 5 acre pocket of SAG-10. Many of the lots to the north and west are smaller residential lots similar to what would be permitted in the proposed zoning. To the east, south and southwest is large tract agriculture all currently being farmed.

There are subdivisions to the north and west of the subject property. Lots directly west of the property on Helena Flats Road average 0.80 acres. The subdivision to the west, Camelot Estate, has an average lot size of 0.54 acres. The subdivision directly to the north has lots that average 1.01 acres. Also to the north is a subdivision with an average lot size of 1.38 acres. The lots to the south and southwest of the subject property have a larger average lot size of 9.69 acres and many appear to be tract land. There is also an older subdivision to the southeast of the property with an average lot size 1.90 acres.

approximately 377 acres zoned R-1. The proposed R-1 would add 5.152 acres to the existing R-1 zone.

iii. The zoning is designed to benefit only one or a few landowners at the expense of the surrounding landowners or the general public and, thus, is in the nature of special legislation.

The proposed zone change would allow for residential lots with a minimum lot size of 1 acre. A majority of the lots to the north and west are smaller residential lots similar to what would be permitted in the proposed zoning. Residential lots directly west of the property on Helena Flats Road average 0.80 acres. The residential subdivision to the west, Camelot Estate, has an average lot size of 0.54 acres and the residential subdivision directly on the north has lots that average 1.01 acres. Also to the north is a residential subdivision with an average lot size of 1.38 acres. There is also an older residential subdivision to the southeast of the property with an average lot size 1.90 acres.

The zoning to the south and west is R-1, with some R-2 also to the west. The uses allowed within the R-1 would be similar to that of the nearby R-2 and the same as that of the neighboring R-1.

Finding #1: The proposed zoning map amendment does not appear to be at risk of spot zoning because the property is neighboring an existing R-1 zone, the proposed R-1 would allow for similar lot size to that which already exist in the area and would allow for similar uses to the existing uses in the neighboring R-1 and R-2 districts.

F. Public Services and Facilities

Sewer:	N/A
Water:	N/A
Electricity:	Flathead Electric Cooperative
Natural Gas:	Northwestern Energy
Telephone:	CenturyTel
Schools:	Helena Flats School District Flathead High School District
Fire:	Evergreen Fire District
Police:	Flathead County Sheriff's Office

G. Criteria Used for Evaluation of Proposed Amendment

Map amendments to zoning districts are processed in accordance with Section 2.08 of the Flathead County Zoning Regulations. The criteria for reviewing zoning amendments are found in Section 2.08.040 of the Flathead County Zoning Regulations and 76-2-203 M.C.A.

H. Compliance With Public Notice Requirements

Adjacent property notification regarding the proposed zoning map amendment was mailed to property owners within 150 feet of the subject property on February 21, 2016. Legal notice of the Planning Board public hearing on this application was published in the February 19, 2016 edition of the Daily Interlake.

Public notice of the Board of County Commissioners public hearing regarding the zoning map amendment will be physically posted on the subject property and within

the zoning district according to statutory requirements found in Section 76-2-205 [M.C.A]. Notice will also be published once a week for two weeks prior to the public hearing in the legal section of the Daily Interlake. All methods of public notice will include information on the general character of the proposed change, and the date, time, and location of the public hearing before the Flathead County Commissioners on the requested zoning map amendment.

I. Agency Referrals

Referrals were sent to the following agencies on January 4, 2016:

- Bonneville Power Administration
- City of Kalispell Planning Department
- Helena Flats School District
- Evergreen Fire District
- Flathead High School District
- Flathead City-County Health Department; Environmental Health Services
- Flathead County Public Works
- Flathead County Sheriff
- Flathead County Solid Waste
- Flathead County Weeds and Parks Department

III. COMMENTS RECEIVED

A. Public Comments

As of the date of the completion of this staff report, no public comments have been received regarding the requested zoning map amendment. It is anticipated any member of the public wishing to provide comment on the proposed zoning map amendment may do so at the Planning Board public hearing scheduled for March 9, 2016 and/or the Commissioner's Public Hearing. Any written comments received following the completion of this report will be provided to members of the Planning Board and Board of Commissioners and summarized during the public hearing(s).

B. Agency Comments

The following is a summarized list of agency comment received as of the date of the completion of this staff report:

- Flathead City-County Health Department
 - Comment: "This proposed project requires new parcels and any non-exempt parcels to be reviewed under the Sanitation in Subdivision act (MCA76-4-1). This review addresses domestic water use, wastewater treatment, storm water drainage, and solid waste disposal." Letter dated January 15, 2016.
- Flathead County Weed District
 - Comment: "No noxious weeds were found to be present and we will not need a soil disturbance management plan to be returned for this property." Email sent January 11, 2016.
- Flathead County Solid Waste
 - Comment: "The Solid Waste District views no negative impact with solid waste issues at this time. The District requests that all solid waste generated at the proposed location be hauled by a private

licensed hauler. Evergreen Disposal is the licensed (PSC) Public Service Commission private hauler in this area.” Letter dated January 8, 2016.

- Flathead County Road & Bridge Department
 - Comment: “At this point the County Road Department does not have any comments on this request.” Letter dated January 5, 2016.

IV. EVALUATION OF PROPOSED AMENDMENT

A. Build-Out Analysis

Once a specific zoning designation is applied in a certain area there are certain land uses that are permitted or conditionally permitted. A build-out analysis is performed to examine the maximum potential impacts of full build-out of those uses. The build-out analysis is typically done looking at maximum densities, permitted uses, and demands on public services and facilities. Build-out analyses are objective and are not best or worst case scenarios. Without a build-out analysis to establish a foundation of understanding, there is no way to estimate the meaning of the proposed change to neighbors, the environment, future demands for public services and facilities and any of the evaluation criteria, such as impact to transportation systems. Build-out analyses are simply establishing the meaning of the zoning map amendment to the future of the community to allow for the best possible review.

i. Current Zoning

The property is currently zoned ‘SAG-10 Suburban Agricultural.’ SAG-10 is defined in Section 3.07 FCZR as, ‘*A district to provide and preserve agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging separation of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development.*’ The following is a list of permitted uses in an SAG-10 zone (Section 3.07.020 FCZR):

1. *Agricultural/horticultural/silvicultural use.*
2. *Cellular tower.*
3. *Class A and Class B manufactured home.*
4. *Cluster housing.*
5. *Dairy products processing, bottling, and distribution.*
6. *Day care home.*
7. *Dwelling, single-family.*
8. *Dwelling unit, accessory (ADU).*
9. *Guest house.*
10. *Home occupation.*
11. *Homeowners park and beaches.*
12. *Livestock*
13. *Nursery, landscaping materials.*
14. *Park and publicly owned recreational facility.*
15. *Produce stand.*
16. *Public transportation shelter station.*
17. *Public utility service installation.*
18. *Ranch employee housing.*
19. *Riding academy, rodeo arena.*

20. Stable, public and private.

The following uses are listed as conditional uses in an 'SAG-10' zone (Section 3.07.030 FCZR). An asterisk designates conditional uses that may be reviewed administratively and two asterisks designate conditional uses that may be reviewed administratively for eight or fewer units:

- 1. Airfield.*
- 2. Aircraft hangars when in association with properties within or adjoining an airport/landing field.**
- 3. Animal hospital, veterinary clinic.*
- 4. Bed and breakfast establishment.*
- 5. Camp and retreat center.*
- 6. Caretaker's facility.**
- 7. Cemetery, mausoleum, columbarium, crematorium.*
- 8. Church and other place of worship.*
- 9. Community center building operated by a non-profit agency.*
- 10. Community residential facility.***
- 11. Contractor's storage yard.**
- 12. Dwelling, family hardship.**
- 13. Electrical distribution station.*
- 14. Extractive industry.*
- 15. Golf course.*
- 16. Golf driving range.*
- 17. Kennel, commercial.**
- 18. Manufactured home park.*
- 19. Recreational facility, low-impact.*
- 20. School, primary and secondary.*
- 21. Temporary building or structure.**
- 22. Water and sewage treatment plant.*
- 23. Water storage facility.*

The bulk and dimensional standards for SAG-10 zoning require a setback for principal structures of 20 feet from the boundary line or right-of-way for the front, rear, side and side-corner. The minimum setback requirement for accessory structures is 20 feet for the front and side-corner and 5 feet for the rear and side. There are also provisions for reduced setbacks for non-conforming lots when the width of the lot is less than 200 feet, 150 feet or 50 feet. A 20 foot setback is required from streams, rivers and unprotected lakes which do not serve as property boundaries and an additional 20 foot setback is required from county roads classified as collector or major/minor arterials. The SAG-10 zoning classification has a 20% permitted lot coverage and a maximum height of 35 feet for a structure.

The SAG-10 zoning requires a minimum lot area of 10 acres and the subject property totals 5.152 acres. Therefore, approximately 0 single family lots could be created under the existing zoning.

ii. Proposed Zoning

As previously stated, the applicant is proposing 'R-1 Suburban Residential' zoning. R-1 is defined in Section 3.09.010 FCZR as, '*A district to provide estate-type development. These areas would normally be located in rural areas away from concentrated urban development, typically not served by water or sewer services, or in areas where it is desirable to permit only low-density development (e.g., extreme topography, areas adjacent to floodplains, airport runway alignment extensions).*' The following is a list of permitted uses in an R-1 zone:

1. *Agricultural/horticultural/silvicultural use.*
2. *Class A manufactured home.*
3. *Day care home.*
4. *Dwelling, single-family.*
5. *Dwelling unit, accessory (ADU).*
6. *Guest house.*
7. *Home occupation.*
8. *Homeowners park and/or beach.*
9. *Livestock.*
10. *Nursery, landscaping material.*
11. *Park and/or publicly owned recreation facility.*
12. *Produce stand.*
13. *Public transportation shelter station.*
14. *Public utility service installation (a minimum of five feet of landscaped area shall surround such building or structure).*
15. *Stable, private.*

The following uses are listed as conditional uses in an 'R-1' zone. An asterisk designates conditional uses that may be reviewed administratively:

1. *Airfield.*
2. *Aircraft hangar when in association with properties within or adjoining an airport/landing field.**
3. *Bed and breakfast establishment.*
4. *Camp and retreat center.*
5. *Caretaker's facility.**
6. *Cellular antenna and monopole.*
7. *Cemetery, mausoleum, columbarium, crematorium.*
8. *Church and other place of worship.*
9. *Community center building operated by a non-profit agency.*
10. *Community residential facility.***
11. *Dwellings, cluster development.**
12. *Electrical distribution station.*
13. *Golf course.*
14. *Golf driving range.*
15. *Manufactured home park.*
16. *Radio and television broadcast station.*
17. *School, primary and secondary.*
18. *Stable, public.*

- 19. Temporary building or structure.**
- 20. Water and sewage treatment plant.*
- 21. Water storage facility.*

The bulk and dimensional standards under R-1, requires a setback of 20 feet from the front, side, rear and side-corner on principal structures, 20 feet from the front and side-corner and 5 feet from the rear and side for accessory structures. A 20 foot setback is required from streams, rivers and unprotected lakes which do not serve as property boundaries and an additional 20 foot setback is required from county roads classified as collector or arterials.

The R-1 zone permitted lot coverage is 40% and a maximum height of 35 feet and a minimum lot area of 1.0 acres. The subject property 5.152 acres and the applicant is proposing to divide the lot through family transfer. Therefore, approximately 3 additional lots could be created under the proposed zoning.

The requested zone change from SAG-10 to R-1 has the potential to increase density through subsequent division of the land in the future. The bulk and dimensional requirements are similar for SAG-10 and R-1. The amendment would introduce new uses to the subject property that is not typical of suburban agricultural zoning designation. However, several uses that are permitted in the SAG-10 are not permitted within R-1.

B. Evaluation of Proposed Amendment Based on Statutory Criteria (76-2-203 M.C.A. and Section 2.08.040 Flathead County Zoning Regulations)

i. Whether the proposed map amendment is made in accordance with the Growth Policy/Neighborhood Plan.

The proposed zoning map amendment falls within the jurisdiction of the Flathead County Growth Policy, adopted on March 19, 2007 (Resolution #2015 A) and updated October 12, 2012 (Resolution #2015 R). Additionally the property is located within the Kalispell City-County Master Plan 2010, adopted on February 6, 1986 by the Flathead County Commissioners (Resolution #578A) and the City of Kalispell on April 7, 1986 (Resolution #3641).

1. Flathead County Growth Policy

The Flathead County Growth Policy Designated Land Uses Map identifies the subject property as ‘Suburban Agricultural.’ The proposed ‘R-1 Suburban Residential’ zoning classification would appear to contrast with the current designations. However, Chapter 10 Part 3: Land Uses Maps of the Growth Policy under the heading Designated Land Use Maps specifically states, “This map depicts areas of Flathead County that are legally designated for particular land uses. This is a map which depicts existing conditions. The areas include zoning districts which are lumped together by general use rather than each specific zone and neighborhood plans. Further information on particular land uses in these areas can be obtained by consulting the appropriate zoning regulations or neighborhood plan document. The uses depicted are consistent with the existing regulations and individual plan documents. This map may be changed from time to time to reflect additional zoning districts, changes in zoning districts, map changes and neighborhood plans as they are adopted.

Since this map is for informational purposes, the Planning Staff may update the same to conform to changes without the necessity of a separate resolution changing this map.” Staff interprets this to mean the Designated Land Use Map is not a future land use map that implements policies, but rather a reflection of historic land use categories. If the zoning map amendment is approved the Designated Land Use Map can be updated by staff to reflect changes made by the County Commissioners based on policies, rather than maps in the document.

Following is a consideration of goals and policies which appear to be applicable to the proposed zone change, to determine if the proposal complies with the Growth Policy:

- ❖ **G.2** – *Preserve the rights of property owners to the use, enjoyment and value of their property and protect the same rights for all property owners.*
 - The amendment would allow the owners to transfer land to two family members through family transfer.
- ❖ **G.8** – *Safe healthy residential land use densities that preserve the character of Flathead County, protect the rights of landowner to develop land, protect the health, safety, and general welfare of neighbors and efficiently provide local services.*
 - The R-1 designation would allow for densities of 1 dwelling unit per acre which would be similar in size and uses to the other properties in the neighborhood.
- ❖ **G.23** – *Maintain safe and efficient traffic flow and mobility on county roadways.*
 - **P.23.2** – *Limit private driveways from directly accessing arterials and collector roads to safe separation distances.*
 - **P.23.4** – *Recognize areas in proximity to employment and retail centers as more suitable for higher residential densities and mixed use development.*
 - This report contains discussion on the proposal’s potential burden on transportation below.
- ❖ **G.31** – *Growth that does not place unreasonable burden on the school district to provide quality education.*
 - This report contains discussion on the proposal’s potential burden on schools below.
- ❖ **G.32** – *Maintain consistently high level of fire, ambulance and emergency 911 response services in Flathead County as growth occurs.*
- ❖ **G.33** – *Maintain a consistently high level of law enforcement services in Flathead County as growth occurs.*
 - This report contains discussion on the adequacy of emergency service below.

Finding #2: The proposed zoning map amendment generally complies with the Flathead County Growth Policy because applicable goals, policies and text appear to generally support the request for R-1 zoning and the ‘Suburban Agriculture’ land use designation identified by the Designated Land Use Map portrays only zoning which was established at the time the map was created and is not a future land use map.

2. Kalispell City-County Master Plan

The Kalispell City-County Master Plan (Master Plan) Map was incorporated into the Growth Policy to provide more specific guidance on future development and land use decisions within the plan area at the local level. The Master Plan is composed of three major components, the text, goals and objectives, and the map. According to the Master Plan, “Relying on only one component will not always give a clear picture of the broad community concepts or the spirit of the Plan. Or worse, it may lead to a twisting or manipulation of the Plan.” Therefore, this report contains discussion on compliance with the map, the goals and objectives, and the text of the Master Plan.

The Master Plan map designates the subject property as Agriculture/Silviculture, which is defined as, “*Areas devoted to the raising and harvesting of crops; feeding, breeding and management of livestock; dairying; horticulture and growing and harvesting timber.*”

The Master Plan states, “*Suburban residential districts are typically located in two areas: on the periphery of the urbanizing community where they serve as a transitional development pattern between the urban area and the timber and agricultural areas beyond... [...]. Suburban residential areas are found primarily east of Willow Glen Drive, east of Whitefish River encompassing a majority of Evergreen, along Reserve Drive...*”

The subject property is located along Reserve Drive and located at the edge of an urbanized area adjacent to agriculture. Even though the property is not designated Suburban Residential the location of the property would generally comply with the description for the location given in the text.

- ❖ **Goal 4** – *A housing supply within the planning jurisdiction that meets the needs of present and future residents in terms of supply, choice and location.*
 - The proposal would add to the housing supply within the planning jurisdiction.
- ❖ **Goal 6** – *The orderly development of the planning jurisdiction with ample space for future growth while, at the same time, ensuring compatibility of adjacent lands uses.*
 - **Objective 6.g.** – *Maintain the character of the single-family neighborhoods.*
 - The subject property is located adjacent to land currently zoned R-1; the proposed R-1 zone would be compatible with the adjacent properties.

Finding #3: The proposed zoning map amendment appears to comply with the Kalispell City-County Master Plan because the plan complies with the text, goals and objectives of the plan but not the map, the Master Plan is composed of three major components, the text, goals and objectives, and the map and according to the Master Plan, relying on only one component will not always give a clear picture.

ii. Whether the proposed map amendment is designed to:

1. Secure safety from fire and other dangers;

The subject property is located within the Evergreen Fire District and the nearest fire station is located approximately two road miles southwest of the property on U.S. Highway 2. The Evergreen Fire Department would respond in the event of a fire or medical emergency. The subject property is not located within the Wildland Urban Interface (WUI) or within a fire district priority area. The application states, "According to Ban Covington, Fire Marshal with Evergreen Fire and Rescue, the proposed zone change will not impact the district (Phone contact 11/10/15)."

The subject property is located at the northeast corner of East Reserve Drive and Helena Flats Road. East Reserve Drive is a paved two lane local county road within a 60 foot easement and Helena Flats Road is a paved two lane county collector within a 40 foot easement. Both of the roads appear adequate to provide ingress and egress for emergency services.

According to FEMA FIRM Panels 30029C1810J, the property is located within an unshaded Zone X an area determined to be outside the 0.2% annual chance floodplain. There is a low chance of flooding on the subject property.

Finding #4: The proposed map amendment will likely not impact safety from fire and other danger because the property is not located in the WUI, is located at the intersection of Helena Flats Road and East Reserve Drive, East Reserve Drive is a paved local county road and Helena Flats road is a paved county collector, the property is located approximately two road miles from the nearest fire station and is not in the 100 year floodplain.

2. Promote public health, public safety, and general welfare;

The property is located within the Evergreen Fire District about two road miles northeast of the nearest fire and emergency response center located on U.S. Highway 2. The Evergreen Fire Department would respond in the event of a fire or medical emergency and the Flathead County Sheriff's Department provides police services to the subject property. The property is located at the intersection of Helena Flats Road and East Reserve Drive, which appears adequate to provide ingress and egress for emergency services.

As previously stated, the zoning to the south is R-1 and to the west is R-1 and R-2. The uses allowed within the R-1 would be similar to that of the nearby R-2 and the same as that of the neighboring R-1. The applicant states, "The proposed R-1 has slightly more limited list of permitted and continually permitted uses but the R-1 does still allow for agriculture and silviculture uses."

Finding #5: The proposed amendment does not appear to have a negative impact on public health, safety and general welfare because the property is served by the Flathead County Sheriff and the Evergreen Fire Department and future development would be similar to uses already existing in the area.

3. Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

The application states, “The subject property is composed of 1.128 acre parcel and a 4.024 acre parcel. Each parcel has a single family house. If the applicant were to subdivide or split the four acre parcel at most he could have three additional residential units on the property but the applicant only wants to create two additional parcels on the land. In either case, there is not a significant amount of density available with the zone change that would impact local services or infrastructure.”

The subject property is located at the northeast corner of East Reserve Drive and Helena Flats Road. East Reserve Drive is a paved two lane local county road within a 60 foot easement and Helena Flats Road is a paved two lane county collector within a 40 foot easement. Comments from the Flathead County Road and Bridge Department indicate no concerns with the proposed zoning map amendment.

Traffic counts taken by the Flathead Road and Bridge Department for Helena Flats Road north of East Evergreen taken from September 23rd to the 29th 2005 indicate an average daily traffic of 3,671 and available traffic counts for East Reserve Drive from May 20th through the 27th of 2010 indicate average daily traffic of 1,227. Using standard trip generation, residential uses generate traffic at typically 10 vehicle trips per dwelling for single family. The property is approximately 5.152 acres and the minimum lot size for the current SAG-10 zone is 10 acres. In the SAG-10 zoning the subject property could not be further subdivided. The proposed R-1 would allow for a minimum lot size of 1 acre. Therefore, approximately 3 additional single family dwellings could be constructed on the property, which would generate an additional 30 average daily trips. The proposed zone change has the potential to increase traffic on East Reserve Drive by 2.4% and Helena Flats Road by 0.8%.

The application states that the subject property will be serviced by individual sewer and water systems. Comment from the Flathead City-County Health Department states, “This proposed project requires new parcels and any non-exempt parcels to be reviewed under the Sanitation in Subdivision act (MCA76-4-1).” The applicant will be required to work with Flathead City-County Health Department to develop an on-site well and sewer system to meet the needs of any future development.

The subject property is located within the Helena Flats and Flathead School Districts. Helena Flat Elementary Schools have seen a decrease of 6% in student enrollment over the last ten years and increase of 1% between 2014 and 2015. Flathead High School District has seen an increase of 11% in

student enrollment over the last ten years but no change between 2014 and 2015. No comments have been received from either the elementary or high school districts. As previously stated, the proposal has the potential to generate 3 additional single family dwellings, it is anticipated that the schools would have capacity should any residential growth occur as a result of the proposed zoning map amendment.

The development of lots less than 5 acres in size would likely trigger parkland requirements during subdivision review; additionally there are many parks, natural areas, and recreational opportunities within a short drive.

Finding #6: The proposed amendment appears to facilitate the adequate provision of transportation, water, sewerage, schools and parks because comments from the Flathead County Environmental Health indicate no concerns, the Flathead County Road and Bridge Department did not provide comments indicating no concerns, subdivision review could require parkland dedication and comments were not received from either school district.

iii. In evaluating the proposed map amendment, consideration shall be given to:

1. The reasonable provision of adequate light and air;

The bulk and dimensional requirements, which includes setbacks, have been established to provide for a reasonable provision of light and air. The minimum lot area for the proposed R-1 zone is 1 acre and the minimum lot area for the existing SAG-10 zone is 10 acres. The density allowed within R-1 would be greater than the density allowed within the current SAG-10 zone. The maximum building height within the proposed R-1 zone is 35 feet for a principal structure and an accessory structure when the setbacks for a principal structure are met and 18 feet for all other accessory structures and the maximum height for the existing SAG-10 zone is 35 feet for both a principal and accessory structure. The permitted lot coverage is 20% in the SAG-10 zone and is 40% in the proposed R-1 zone.

The bulk and dimensional requirements in the existing SAG-10 zone require a setback from the boundary line of 20 feet from all property boundaries for the principal structure, 20 feet from the front and side corner on accessory structures and 5 feet from the rear and side on accessory structures. A 20 foot setback is required from streams, rivers and unprotected lakes which do not serve as property boundaries and an additional 20 foot setback is required from county roads classified as collector or major/minor arterials.

The bulk and dimensional requirements in the R-1 zone require a setback from the boundary line of 20 feet from all property boundaries for the principal structure, 20 feet from the front and side corner on accessory structures and 5 feet from the rear and side on accessory structures. A 20 foot setback is required from streams, rivers and unprotected lakes which do not serve as property boundaries and an additional 20 foot setback is required from county roads classified as collector and arterials.

The application states, “The proposed R-1 designation has a minimum lot size of one acre and identical setbacks to the SAG-5. Zoning districts to the south

and west are R-1 zoning designations and the property to the north was clusters with one and two acre lots all of which are the same or similar densities to the applicants proposed densities. The proposed R-1 zoning designation would provide adequate light and air.”

The setbacks for the proposed zone are the same as those in the existing SAG-10 zoning while a greater area of a lot can be covered in the R-1 zone. The bulk and dimensional requirements for the R-1 designation have been established to provide for a reasonable provision of light and air.

Finding #7: The proposed zoning map amendment would provide adequate light and air to the subject property because future development would be required to meet the bulk and dimensional, setbacks and lot coverage requirements within the proposed R-1 designation.

2. The effect on motorized and non-motorized transportation systems;

The subject property is located at the northeast corner of East Reserve Drive and Helena Flats Road. Primary access to the property is currently via East Reserve Drive and Helena Flats Road. East Reserve Drive is a paved two lane local county road within a 60 foot easement and Helena Flats Road is a paved two lane county collector within a 40 foot easement. Comments from the Flathead County Road and Bridge Department indicate no concerns with the proposed zoning map amendment.

Traffic counts taken by the Flathead Road and Bridge Department for Helena Flats Road north of East Evergreen taken from September 23rd to the 29th 2005 indicate an average daily traffic of 3,671 and available traffic counts for East Reserve Drive from May 20th through the 27th of 2010 indicate average daily traffic of 1,227. Using standard trip generation, residential uses generate traffic at typically 10 vehicle trips per dwelling for single family. The property is approximately 5.152 acres and the minimum lot size for the current SAG-10 zone is 10 acres. In the SAG-10 zoning the subject property could not be further subdivided. The proposed R-1 would allow for a minimum lot size of 1 acre. Therefore, approximately 3 additional single family dwellings could be constructed on the subject property, which would generate an additional 30 average daily trips. The proposed zone change has the potential to increase traffic on East Reserve Drive by 2.4% and Helena Flats Road by 0.8%.

The Flathead County Trails Plan identifies Helena Flats Road as a connector bike/pedestrian trail and East Reserve Drive at the subject property is not identified as a future trail by the Flathead County Trails Plan. A trail was constructed on Helena Flats Road and near the property it leaves the road right-of-way and heads west between private properties then turns south back out to East Reserve Drive west of the subject property. It is anticipated that there will be minimal impact on non-motorized traffic because future development would allow for three additional dwellings.

Finding #8: Effects on motorized and non-motorized transportation systems will be minimal because the Flathead County Road and Bridge Department

had no concerns with this proposal, the traffic generated by the proposed zoning has the potential for an additional 30 average daily trips and there is an existing bike/pedestrian trail on Helena Flats Road which would likely not be impacted and would be able to serve the addition of three dwellings.

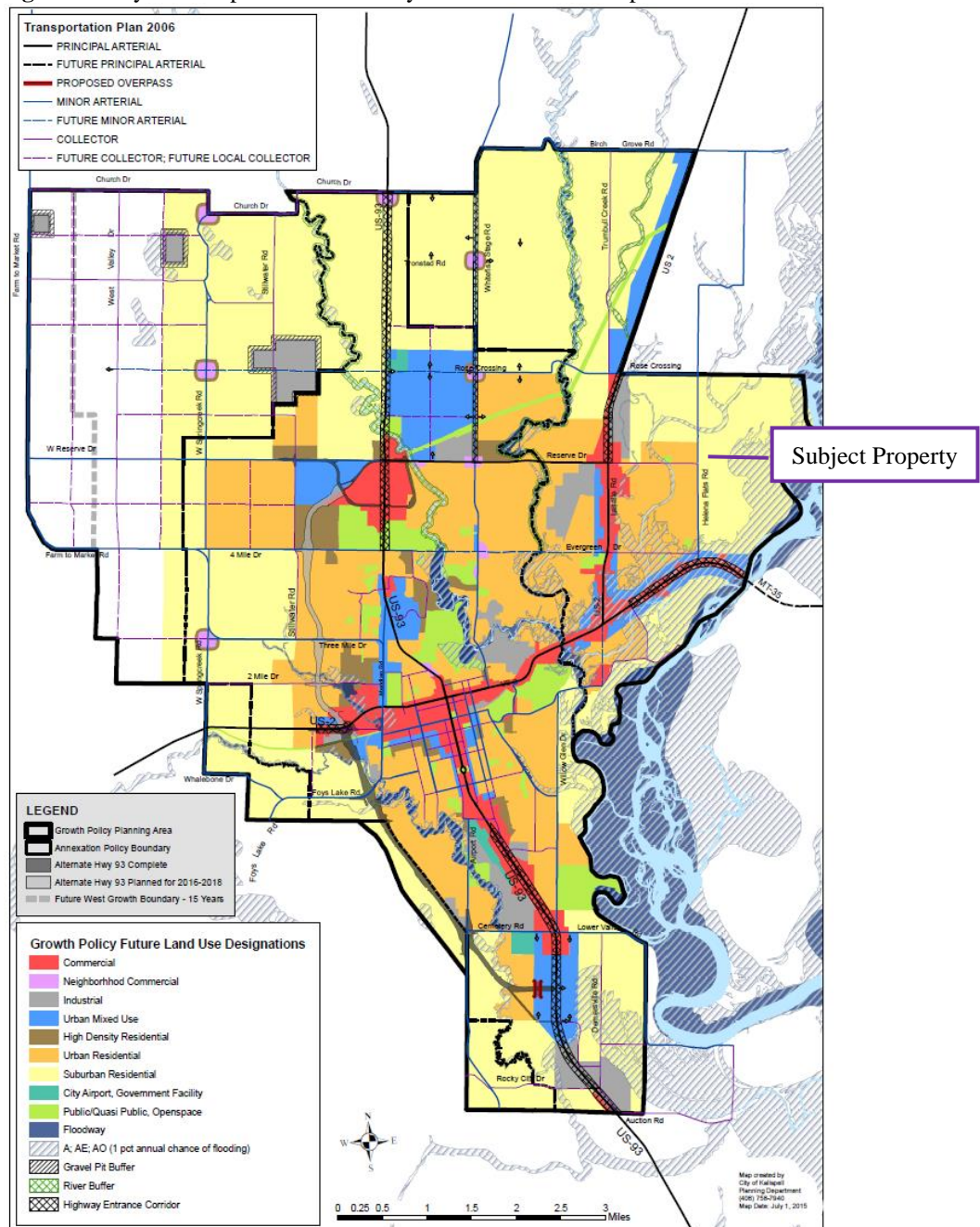
3. Compatible urban growth in the vicinity of cities and towns (that at a minimum must include the areas around municipalities);

Kalispell is the nearest municipality to the subject property but the subject property is located approximately two miles east of the City limits and four miles from the downtown core. The property is located approximately two miles outside of the Kalispell Growth Policy Annexation Policy Boundary. An agency referral was sent to the Kalispell planning department but staff has not received any comments from the City as of the date on this report. The application states, "The subject property is located within on (sic) the north side of Evergreen and is located two to two and a half miles from the City Limits of Kalispell."

The subject property is included within the City of Kalispell Growth Policy Future Land Use Map and is designated as "Suburban Residential." According to the Kalispell Growth Policy the "Suburban Housing" (which corresponds to the Suburban Residential designation) states, "*a. Densities should be appropriate to the limitations of the particular site, and should not exceed two or four dwellings per gross acre. b. The suburban residential designation is intended to reduce density and development impacts in sensitive areas and existing rural neighborhoods.*" The proposed R-1 zoning would allow for 1 acre minimum lot size and not exceed two to four dwelling per gross acre. It appears that the proposed zoning designation would be compatible with urban growth in the vicinity of Kalispell.

Finding #9: The property is located within the extent of the City of Kalispell Growth Policy Future Land Use Map and the proposal appears to be compatible with urban growth in the vicinity of Kalispell because no comments were received from the City of Kalispell to indicate concern, the property is located outside the Kalispell annexation policy boundary and the proposed zone is less dense than the designation of "Suburban Housing."

Figure 6: City of Kalispell Growth Policy Future Land Use Map



4. The character of the district(s) and its peculiar suitability for particular uses;

The proposed zoning map amendment would allow for residential lots with a minimum lot size of 1 acre. A majority of the lots to the north and west are smaller residential lots similar to what would be permitted in the proposed zoning. Residential lots directly west of the property on Helena Flats Road average 0.80 acres. The residential subdivision to the west, Camelot Estate, has an average lot size of 0.54 acres and the residential subdivision directly on the north has lots that average 1.01 acres. Also to the north is a residential

subdivision with an average lot size of 1.38 acres. There is also an older residential subdivision to the southeast of the property with an average lot size 1.90 acres.

The application states, “The property to the south is farm and pasture with R-1 zoning. The property to the east is farm and part open space for the Homestead Homesites Subdivision. The property to the north is the Homestead Homesites Subdivision, a cluster subdivision with ten lots in the SAG-5 zone. The properties to the west are small tracts with R-1 zoning.” As previously stated, the zoning to the south is R-1 and to the west is R-1 and R-2. The uses allowed within the R-1 would be similar to that of the nearby R-2 and the same as that of the neighboring R-1.

Finding #10: The proposed zoning map amendment appears suitable for the particular district and character of the district because the uses permitted and conditionally permitted within the R-1 zoning are similar to uses that exist in the vicinity of the property and many of the lots in the vicinity are the same size or smaller than what is permitted in the R-1 zone.

5. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.

The subject property is located within the Evergreen Zoning District and surrounded by residential and suburban agricultural zones (see Figure 2). The application states, “The permitted and conditionally permitted uses of the proposed zoning designation of R-1 is very similar to the SAG-5 on the east and north side of the property. The R-1 zoning is the same designation as the 280 acres of land to the south and west of the subject parcel.”

The zoning to the south of the subject property is R-1 and the zoning to the west is R-1 and R-2. The uses allowed within the proposed R-1 would be similar to that of the nearby R-2 and the same as that of the neighboring R-1. The proposed zone change would allow for residential lots with a minimum lot size of 1 acre. A majority of the lots to the north and west are smaller residential lots similar to what would be permitted in the proposed zoning. Residential lots directly west of the property on Helena Flats Road average 0.80 acres. The residential subdivision to the west, Camelot Estate, has an average lot size of 0.54 acres and the residential subdivision directly to the north has lots that average 1.01 acres. Also to the north is a residential subdivision with an average lot size of 1.38 acres. There is also an older residential subdivision to the southeast of the property with an average lot size 1.90 acres.

Finding #11: This proposed zoning map amendment appears to conserve the value of buildings and encourage the most appropriate use of land in this particular location because the uses permitted and conditionally permitted within the R-1 zoning are similar to uses that exist in the vicinity of the property and many of the lots in the vicinity are the same size or smaller than what is permitted in the R-1 zone.

iv. Whether the proposed map amendment will make the zoning regulations, as nearly as possible, compatible with the zoning ordinances of nearby municipalities.

Kalispell is the nearest municipality to the subject property which is located approximately two miles east of the City limits and four miles from the downtown core. An agency referral was sent to the Kalispell planning department but staff has not received any comments from the City as of the date on this report.

As previously stated, the subject property is included within the City of Kalispell Growth Policy Future Land Use Map, adopted by the City of Kalispell in 2003. The Kalispell Growth Policy Planning Area Map designated the property as “Suburban Residential.” According to the Kalispell Growth Policy the “Suburban Housing” states, *“a. Densities should be appropriate to the limitations of the particular site, and should not exceed two or four dwellings per gross acre. b. The suburban residential designation is intended to reduce density and development impacts in sensitive areas and existing rural neighborhoods.”*

Suburban housing is the lowest density designation in the Kalispell Growth Policy and the closest City zoning to the county R-1 would be a City R-1. The City’s R-1 has a 20,000 square foot minimum lots size which would be a higher density than allowed for in the proposed County R-1. The application states, “The nearest City Zoning is the Kalispell Zoning Jurisdiction which is approximately two miles to the west. The City’s zoning is comprised of urban densities at that location. In communications with the Kalispell Planning Director, Tom Jentz, the City has no plans in the next five to twenty years to annex this area and furthermore, he stated that the proposed R-1 zoning appears to be compatible with the recent Kalispell Growth Policy.”

Finding #12: The proposed map amendment appears to be, as nearly as possible, compatible with the zoning ordinance of Kalispell because the City does not have suburban residential zoning that accommodates larger lots and the R-1 zone would generally comply with the “Suburban Housing” designation.

V. SUMMARY OF FINDINGS

- 1) The proposed zoning map amendment does not appear to be at risk of spot zoning because the property is neighboring an existing R-1 zone, the proposed R-1 would allow for similar lot size to that which already exist in the area and would allow for similar uses to the existing uses in the neighboring R-1 and R-2 districts.
- 2) The proposed zoning map amendment generally complies with the Flathead County Growth Policy because applicable goals, policies and text appear to generally support the request for R-1 zoning and the ‘Suburban Agriculture’ land use designation identified by the Designated Land Use Map portrays only zoning which was established at the time the map was created and is not a future land use map.
- 3) The proposed zoning map amendment appears to comply with the Kalispell City-County Master Plan because the plan complies with the text, goals and objectives of the plan but not the map, the Master Plan is composed of three major components, the text, goals and objectives, and the map and according to the Master Plan, relying on only one component will not always give a clear picture.

- 4) The proposed map amendment will likely not impact safety from fire and other danger because the property is not located in the WUI, is located at the intersection of Helena Flats Road and East Reserve Drive, East Reserve Drive is a paved local county road and Helena Flats road is a paved county collector, the property is located approximately two road miles from the nearest fire station and is not in the 100 year floodplain.
- 5) The proposed amendment does not appear to have a negative impact on public health, safety and general welfare because the property is served by the Flathead County Sheriff and the Evergreen Fire Department and future development would be similar to uses already existing in the area.
- 6) The proposed amendment appears to facilitate the adequate provision of transportation, water, sewerage, schools and parks because comments from the Flathead County Environmental Health indicate no concerns, the Flathead County Road and Bridge Department did not provide comments indicating no concerns, subdivision review could require parkland dedication and comments were not received from either school district.
- 7) The proposed zoning map amendment would provide adequate light and air to the subject property because future development would be required to meet the bulk and dimensional, setbacks and lot coverage requirements within the proposed R-1 designation.
- 8) Effects on motorized and non-motorized transportation systems will be minimal because the Flathead County Road and Bridge Department had no concerns with this proposal, the traffic generated by the proposed zoning has the potential for an additional 30 average daily trips and there is an existing bike/pedestrian trail on Helena Flats Road which would likely not be impacted and would be able to serve the addition of three dwellings.
- 9) The property is located within the extent of the City of Kalispell Growth Policy Future Land Use Map and the proposal appears to be compatible with urban growth in the vicinity of Kalispell because no comments were received from the City of Kalispell to indicate concern, the property is located outside the Kalispell annexation policy boundary and the proposed zone is less dense than the designation of "Suburban Housing."
- 10) The proposed zoning map amendment appears suitable for the particular district and character of the district because the uses permitted and conditionally permitted within the R-1 zoning are similar to uses that exist in the vicinity of the property and many of the lots in the vicinity are the same size or smaller than what is permitted in the R-1 zone.
- 11) This proposed zoning map amendment appears to conserve the value of buildings and encourage the most appropriate use of land in this particular location because the uses permitted and conditionally permitted within the R-1 zoning are similar to uses that exist in the vicinity of the property and many of the lots in the vicinity are the same size or smaller than what is permitted in the R-1 zone.

- 12) The proposed map amendment appears to be, as nearly as possible, compatible with the zoning ordinance of Kalispell because the City does not have suburban residential zoning that accommodates larger lots and the R-1 zone would generally comply with the “Suburban Housing” designation.

VI. CONCLUSION

Per Section 2.08.020(4) of the Flathead County Zoning Regulations (FCZR), a review and evaluation by the staff of the Planning Board comparing the proposed zoning map amendment to the criteria for evaluation of amendment requests found in Section 2.08.040 FCZR has found the proposal to generally comply with most of the review criteria, based upon the draft Findings of Fact presented above. Section 2.08.040 does not require compliance with all criteria for evaluation, only that the Planning Board and County Commissioners should be guided by the criteria.

Planner: EKM